

REMARKS

Claims 8-10, 12-14, 16, and 18-20 were pending. Applicants have hereinabove amended claims 8, 13, and 14, and have canceled claims 12, and 18-20 without prejudice or disclaimer to applicants' right to pursue the subject matter of these claims in the future. Support for the amendments to claim 8 may be found in the specification as originally filed at, *inter alia*, page 9, line 34 to page 10, line 4; page 10, lines 14-16 and 37-39; and page 40 lines 1-3. Support for the amendments to claims 13 and 14 may be found in the specification as originally filed at, *inter alia*, page 10, lines 18-31. Applicants maintain that the amendments to the claims raise no issue of new matter. Accordingly, applicants respectfully request that this Amendment be entered. After entry of this Amendment, claims 8-10, 13, 14, and 16 will be pending and under examination.

Claims Rejected Under 35 U.S.C. §103

In the March 26, 2005 Office Action, the Examiner rejected claims 8, 10-12 and 18 as allegedly obvious over Brown et al. U.S. Patent No. 5,202,116. The Examiner stated that Brown et al. teach that Oncostatin M, a gp 130 receptor ligand, is effective to reduce organ transplant rejection. The Examiner also stated that it would have been obvious to one of ordinary skill in the art to perfuse a kidney for transplantation with an anti-rejection solution, and that the motivation to perfuse lies in the knowledge that perfusion prior to transplantation would be expected to deliver the solution into the kidney tissues more completely than merely injecting the solution into the recipient.

In response, applicants respectfully traverse the Examiner's

rejection. Applicants initially note that the claimed method is a method for preserving a kidney for transplantation. However, the Examiner has argued that Brown et al., in teaching the different method of reducing transplanted organ rejection, somehow renders the claimed invention obvious. Applicants point out that the claimed invention is based around the observation by applicants that gp130 receptor ligands induce formation of epithelial cells to form and organize into nephrons (see specification, page 8, lines 12 to 14). In contrast, Brown et al. teach injecting Oncostatin M into subjects who have received transplanted organs based on the observation that Oncostatin M has an immunomodulatory action in controlling endothelial cells immunogenicity (for example, see Abstract). This is clearly different. Furthermore, the Examiner's argument is predicated on the alleged obviousness of perfusing a kidney before transplant with Oncostatin M to reduce the immunogenicity of the transplanted kidney, referring to an "anti-rejection solution", and not to preserve the kidney for transplantation as claimed. Applicants note that the motivation argued by the Examiner thus pertains to the different method of perfusing a kidney for transplantation with an anti-rejection solution, not preserving a kidney for transplantation.

However, in order to expedite prosecution and without conceding the correctness of the Examiner's argument, applicants have hereinabove amended the claims to recite specific gp130 receptor ligands not taught or suggested in Brown et al. Accordingly, applicants maintain that the claimed invention is not obvious over the cited reference and request that the Examiner reconsider and withdraw this ground of rejection.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned

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attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if an additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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